



PATENT COOPERATION TREATY
PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70).

Applicant's or agent's file reference 2003P04990WO	FOR FURTHER ACTION		See Form PCT/IPEA/416
International application No. PCT/EP2004/001935	International filing date (day/month/year) 26.02.2004	Priority date (day/month/year) 07.04.2003	
International Patent Classification (IPC) or national classification and IPC 			
Applicant SIEMENS AKTIENGESELLSCHAFT			

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of <u>4</u> sheets, including this cover sheet.
3. This report is also accompanied by ANNEXES, comprising:
a. <input type="checkbox"/> (<i>sent to the applicant and to the International Bureau</i>) a total of _____ sheets, as follows: <input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions). <input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.
b. <input type="checkbox"/> (<i>sent to the International Bureau only</i>) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).
4. This report contains indications relating to the following items:
<input checked="" type="checkbox"/> Box No. I Basis of the report <input type="checkbox"/> Box No. II Priority <input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability <input type="checkbox"/> Box No. IV Lack of unity of invention <input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement <input type="checkbox"/> Box No. VI Certain documents cited <input type="checkbox"/> Box No. VII Certain defects in the international application <input type="checkbox"/> Box No. VIII Certain observations on the international application

Date of submission of the demand	Date of completion of this report
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

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International application No.

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Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- This report is based on translations from the original language into the following language _____, which is the language of a translation furnished for the purposes of:
- international search (Rule 12.3 and 23.1(b))
 - publication of the international application (Rule 12.4)
 - international preliminary examination (Rule 55.2 and/or 55.3)
2. With regard to the elements of the international application, this report is based on (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*):
- the international application as originally filed/furnished
 the description:
 pages 1-10 _____ as originally filed/furnished
 pages* _____ received by this Authority on _____
 pages* _____ received by this Authority on _____
- the claims:
 nos. 1-11 _____ as originally filed/furnished
 nos.* _____ as amended (together with any statement) under Article 19
 nos.* _____ received by this Authority on _____
 nos.* _____ received by this Authority on _____
- the drawings:
 sheets 1/1 _____ as originally filed/furnished
 sheets* _____ received by this Authority on _____
 sheets* _____ received by this Authority on _____
- a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.
3. The amendments have resulted in the cancellation of:
- the description, pages _____
 - the claims, nos. _____
 - the drawings, sheets/figs _____
 - the sequence listing (*specify*): _____
 - any table(s) related to sequence listing (*specify*): _____
4. This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- the description, pages _____
 - the claims, nos. _____
 - the drawings, sheets/figs _____
 - the sequence listing (*specify*): _____
 - any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

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International application No.	PCT/EP2004/001935
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Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement																									
<p>1. Statement</p> <table> <tr> <td style="width: 30%;">Novelty (N)</td> <td>Claims</td> <td>1-11</td> <td>YES</td> </tr> <tr> <td></td> <td>Claims</td> <td>_____</td> <td>NO</td> </tr> <tr> <td>Inventive step (IS)</td> <td>Claims</td> <td>1-11</td> <td>YES</td> </tr> <tr> <td></td> <td>Claims</td> <td>_____</td> <td>NO</td> </tr> <tr> <td>Industrial applicability (IA)</td> <td>Claims</td> <td>1-11</td> <td>YES</td> </tr> <tr> <td></td> <td>Claims</td> <td>_____</td> <td>NO</td> </tr> </table>			Novelty (N)	Claims	1-11	YES		Claims	_____	NO	Inventive step (IS)	Claims	1-11	YES		Claims	_____	NO	Industrial applicability (IA)	Claims	1-11	YES		Claims	_____	NO
Novelty (N)	Claims	1-11	YES																							
	Claims	_____	NO																							
Inventive step (IS)	Claims	1-11	YES																							
	Claims	_____	NO																							
Industrial applicability (IA)	Claims	1-11	YES																							
	Claims	_____	NO																							
<p>2. Citations and explanations (Rule 70.7)</p> <ol style="list-style-type: none"> Reference is made to the following document: D1: US 2002/160781 A1 (BARK GUNNAR ET AL) 31 October 2002 (2002-10-31) The current application concerns a method (claim 1) for transmitting data in a radio communications system, in which a shared channel is provided, said channel being allocated to a plurality of subscribers at the same time for transmitting data between a base station and the subscriber station of each subscriber, measurements being taken with regard to transmission quality on the shared channel, the results thereof being available in the base station and the base station transmitting a first message to an associated controlling radio network controller, said first message containing information about transmission quality. A similar method is disclosed in document D1. The main difference between the subject matter of 																										

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Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
	<p>claim 1 and that of document D1 is that the base station transmits a first message to an associated controlling radio network controller, said message containing information about transmission quality as well as about subscriber stations for which poor transmission quality has been detected, only if the measurements show that the transmission quality does not meet a predefined criterion.</p> <p>5. The above features solve the problem of reducing signalling complexity between the base station and the controlling radio network controller.</p> <p>6. The novel feature is neither suggested by any of the documents cited in the search report, nor is it part of common general knowledge in the field of mobile communications. The application therefore meets the requirements of PCT Article 33(3) with respect to inventive step.</p> <p>7. Claims 2-11 are dependent on claim 1 and therefore likewise meet the PCT requirements for inventive step.</p>